

REMARKS

Claims 19, 21 and 22 are pending. Claim 20 was cancelled. Claims 19, 21 and 22 were amended according to the suggestions made by the Examiner.

Claim Objection

Claim 19 has been amended as suggested by the Examiner. Therefore, Applicants respectfully request this objection be withdrawn.

35 U.S.C. 112, second paragraph rejection

Claims 20 and 21-22 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which application regards as the invention.

Claim 20 has been cancelled. Therefore, the 35 U.S.C. 112, second paragraph rejection against this claim is deemed moot.

Claims 21 and 22 were amended to remove the phrase "a pharmaceutically acceptable salt thereof or any hydrate thereof". Applicants respectfully request this rejection be withdrawn from consideration.

35 U.S.C. 102 (e) Rejection

Claims 19-21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,048,861. Applicants disagree. The use of a composition comprising integrin receptor antagonist, bisphosphonates, and a vascular endothelial growth factor inhibitor as described in U.S. Patent No. 6,048,861 does not anticipate the present set of claims.

U.S. Patent No. 6,048,861 does not teach each and every element, either expressly or inherently, as set forth in the present set of claims "*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The class of bisphosphonates and the diseases to be treated as set forth in the present set of claims are not taught, either expressly or inherently, by U.S. Patent No. 6,048,861. The methods of treatment taught in U.S. Patent No. 6,048,861 relate to the use of integrin receptor antagonists alone or in combination with other agents. The present set of claims do not allow for the inclusion of any other unspecified ingredients. Therefore, the use of a composition comprising integrin receptor antagonist, bisphosphonates, and a vascular endothelial growth factor inhibitor as described in U.S. Patent No. 6,048,861 does not anticipate the presently pending recited claims and Applicants respectfully request this rejection be withdrawn from consideration.

35 U.S.C. 103(a) Rejection

Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Askew et al. (U.S. Patent No. 6,048,861) in view of Reszka et al. (U.S. Patent No. 6,416,964). Applicants respectfully disagree.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

There is no suggestion or motivation in U.S. Patent No. 6,048,861 to use a specific class of bisphosphonates for the treatment of a specific set of diseases as set forth in the present set of claims. U.S. Patent No. 6,048,861 relates to compounds that are antagonists of the integrin receptors av β 3, av β 5 and/or av β 6 which are useful for inhibiting bone resorption. The integrin receptor antagonists can be further combined with other agents, including bisphosphonates. As stated above, the present set of claims do not allow for the inclusion of any other unspecified ingredients and relate to a specific class of bisphosphonates for the treatment of a specific set of diseases. A person of ordinary skill in the art would not look to the teachings in U.S. Patent No. 6,048,861 which describe integrin receptor antagonists and arrive at the claimed invention relating to bisphosphonates. Different classes of compounds have different effects on the body and it would not be obvious to a person of ordinary skill in the art to apply the teachings related to one class of drugs and apply it to a second class of drugs. Furthermore, there is no suggestion or teaching in U.S. Patent No. 6,048,861 that the diseases to be treated by integrin receptor antagonists would also be treated using bisphosphonates. Without a reasonable expectation of success for treating these diseases, a person of ordinary skill in the art would not look to the teachings of U.S. Patent No. 6,048,861 to arrive at the present invention.

U.S. Patent No. 6,316,964 does not correct the deficiencies of the primary reference, U.S. Patent No. 6,048,861. U.S. Patent No. 6,316,964 relates to methods of identifying modulators of kinases responsive to stress and describes bisphosphonates as useful for treating or preventing diseases or conditions that are mediated by, for example, abnormal bone resorption or angiogenesis. U.S. Patent No. 6,316,964 does not teach or suggest the use of a bisphosphonate in the preparation of a medicament for the treatment of any of the diseases recited in the claims, wherein the bisphosphonate acts an angiogenesis inhibiting or reversing agent. U.S. Patent No. 6,316,964 does not teach or suggest that other diseases than the ones mentioned therein could be treated with bisphosphonates. Based on the above arguments, Applicants respectfully request that the 35 U.S.C. 103(a) rejections be withdrawn from consideration.

Obviousness-Type Double Patenting Rejection

Claims 19-22 were rejected provisionally under the judicially created doctrine of double patenting over claims 9-10 of copending Application No. 10/484,482. Applicants have filed a Terminal Disclaimer.

Entry of this Response is respectfully requested.

Respectfully submitted,

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